

Serial: 147644

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99034

**IN RE: COMMISSION FOR STUDY OF
DOMESTIC ABUSE PROCEEDINGS**

EN BANC ORDER

The Mississippi Attorney General has requested that the Supreme Court conduct an examination of the laws and procedural rules which impact domestic abuse proceeding, including but not limited to those concerning the issuance of protective orders in domestic abuse cases. The Court recognizes that it has the ultimate responsibility for the adoption of procedural rules for the courts of the state, and, under Miss. Code Ann. § 25-3-35 the justices of the court are charged to make special studies of the laws of the state and to report to each regular session of the Legislature such constructive suggestions as they may deem necessary for the improvement of the administration of justice.

Having considered the Attorney General's request and recognizing its responsibility in these areas, the Court has determined that the interest of justice will be promoted by an examination of such statutes and rules assisted by a commission composed of professionals with experience in dealing with domestic abuse issues.

IT IS THEREFORE ORDERED that the Supreme Court Commission for Study of Domestic Abuse Proceedings is hereby established. The membership will be those persons named in Exhibit "A" hereto, all members having consented to serve. The Commission shall continue in existence through December 31, 2008, or for such additional term as the Chief Justice may order. The Commission shall be co-chaired by Justice Ann H. Lamar and Special Assistant Attorney General Heather Wagner.

IT IS FURTHER ORDERED that the Commission shall study the existing statutes and procedural rules that impact proceedings, civil and criminal, involving charges of domestic abuse, and will on or before December 1, 2008, present its final report to the Court. Such report shall include the Commission's findings and recommendations for changes in the statutes and rules, if such be needed, to improve the just, fair, and effective disposition of such proceedings. Findings and recommendations should consider victim safety, equal access to the courts by victims and accused parties, due process, and accountability of offenders. Specifically, the Commission in its final report should address:

the desirability of a uniform statewide procedures for handling of domestic violence protection orders and proceedings involving such orders;

the impact of constitutional issues regarding custody and visitation provisions in domestic violence protection orders;

the reconciliation of laws and rules pertaining to domestic violence protection orders with uniform acts, other state laws, and federal laws;

accessibility of the courts to indigent litigants in domestic abuse proceedings;

whether court resources currently devoted to addressing domestic violence are adequate; and

such related issues as the Commission may deem appropriate.

IT IS FURTHER ORDERED that the Clerk of this Court shall transmit to each member of the Commission hereby appointed a true copy of this order.

SO ORDERED, THIS the 21st day of May, 2008.

/s/ James W. Smith, Jr.

JAMES W. SMITH, JR., CHIEF JUSTICE,
FOR THE COURT

EXHIBIT “A”

**MEMBERSHIP OF
THE
MISSISSIPPI SUPREME COURT
COMMISSION FOR STUDY OF
DOMESTIC ABUSE PROCEEDINGS**

Co-Chairs:

Honorable Ann H. Lamar,
Supreme Court
Ms. Heather Wagner,
Attorney General’s Office

Advocacy Group:

Anna Walker Crump

Law School Representatives:

Professor Deborah Bell
Professor Shirley Kennedy

Prosecutors Association:

Martha Carson
Kassie Ann Coleman

Court of Appeals Judge:

Honorable Virginia Carlton

Law Enforcement Officers:

Ken Winters, Director,
Miss. Police Chiefs Assoc.

Chancery Judges:

Honorable Margaret Alfonso
Honorable Jay Bradley
Honorable Cynthia Brewer

Legal Clinics

Brandi Brown, Representative,
Catholic Charities

Circuit Judges:

Honorable Margaret Carey-McCray
Honorable Vernon Cotten
Honorable Kenneth Thomas

Legislature:

Senator Gray Tollison
Representative Kimberly Campbell

Justice Court Judges:

Honorable Deborah Gambrell

Judicial College:

Cynthia Davis

Municipal Judges:

John Shirley